



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

MAY 5 2010

Randy Moore
Regional Forester
Pacific Southwest Region
Regional Office, R5
1323 Club Drive
Vallejo, CA 94592

Subject: 2010 Draft Supplemental Environmental Impact Statement (SEIS) for the Sierra Nevada Forest Plan Amendment (SNFPA) (CEQ# 20100037)

Dear Mr. Moore:

The Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

We understand that the 2010 Draft SEIS is narrowly focused on complying with two orders issued by the Eastern District Court of California on November 4, 2009. The District Court ordered two corrections to the 2004 SNFPA Final SEIS to address range of alternatives and analytical consistency issues identified by the Ninth Circuit Court in its decision on the preliminary injunction portion of the case. We recognize that this SEIS supplements, and tiers to, the 2004 Final SEIS and the 2001 Final EIS for the SNFPA.

We also understand that the SNFPA addresses forest management programmatically and proposes changes to program-level guidance. This guidance provides the framework for land management decisions in 11 National Forests and direction for fire management, the wildland urban interface, regional water quality and air quality, and cumulative effects. The far-reaching influence of the SNFPA cannot be overstated.

EPA acknowledges the additional information and analysis provided in the 2010 Draft SEIS and the significant effort you and your staff have invested in this effort. The 2010 Draft SEIS describes the alternatives and their various management strategies, which include greater or lesser emphasis on preservation, restoration, or forest resiliency; mechanical vs. prescribed fire tools; regional vs. local control and flexibility; landscape scale vs. watershed focus; standards and guidelines vs. maximum management flexibility; and various levels of active management. It

is difficult to evaluate the benefits and adverse impacts of the different management strategies without knowledge of the scientific basis or proven effectiveness of these strategies. We recommend the 2010 Final SEIS include a Chapter describing the benefits and impacts of each management strategy, and summarizing scientific data on the relative effectiveness of each approach in meeting specific management objectives and desired conditions. We recognize that management objectives and desired conditions will influence the final management strategy selected for implementation. The 2010 Final SEIS should also describe the management strategy that has been in-place since the 2004 SNFPA SEIS Record of Decision (ROD).

We continue to have objections to the Preferred Alternative S2, as it is identified in the 2004 SNFPA SEIS ROD, and further described in this 2010 Draft SEIS. Our rating, Environmental Objections - Insufficient Information (EO-2), is based on our review of the information in the 2001 Draft Environmental Impact Statement (EIS), 2001 Final EIS, and 2004 Supplemental EIS, which identified avoidable significant environmental impacts to water quality, sensitive habitats, and threatened and endangered species. Our objections also reflect the decision to defer the evaluation of transportation impacts on water quality. There is no additional information provided in the narrowly focused 2010 Draft SEIS to alter the conclusions of our previous review, which we provided in our March 15, 2004 and September 24, 2004 letters to Jack A. Blackwell, Regional Forester, Pacific Southwest Region, 1323 Club Drive, Vallejo, CA 94592.

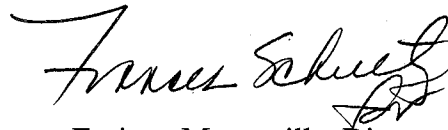
The Sierra Nevada Ecosystem Project Report and 1998 Sierra Nevada Science Review identified roads as a major cause of water quality problems and adverse impacts to aquatic ecosystems, which should be addressed as soon as possible. While the proposed Aquatic Management Strategy can reduce nonpoint pollution from the transportation system, it is not a substitute for decommissioning targets or adequate road maintenance. We seek assurances that point discharges and landslide sediment inputs from road failures and unmaintained roads will be minimized to the greatest extent feasible. Information on the regional environmental consequences and costs of the transportation system would foster better forest management decisions at both the programmatic and project level. Without sufficient consideration of these transportation impacts and mitigation commitments, we believe the program-level guidance you have sought to improve is incomplete.

We realize that a comprehensive transportation system plan would be inconsistent with the scope of the SNFPA. We maintain that program-level guidance regarding decommissioning targets, mitigation strategies that avoid or reduce impacts associated with roads, and forest-wide transportation priorities are appropriately addressed at the programmatic level. Project-level decisions will determine where new roads are constructed on the ground, which existing roads will be decommissioned, and specific mitigation commitments to protect natural resources that are directly and indirectly affected by these actions.

EPA supports the Forest Service's commitment to engage other agencies and the public throughout the planning, conduct, and evaluation of projects implementing SNFPA. We recommend the 2010 Final SEIS describe the public participation process and commitments.

We appreciate the opportunity to provide comments on the 2010 Draft SEIS. Please send one hard copy and one CD of the 2010 Final SEIS to the address above (mail code: CED-2) at the same time it is officially filed with our Washington D.C. Office. If you have any questions, please contact Kathleen Goforth, Manager of EPA Region 9's Environmental Review Office, at (415) 972-3521, or have your staff contact Laura Fujii, the lead reviewer for this project. Laura can be reached at (415) 972-3852 or fujii.laura@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Enrique Manzanilla", with a stylized flourish at the end.

Enrique Manzanilla, Director
Communities and Ecosystems Division

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

"Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.